

Declaration of D. Kate Forbes

I, D. Kate Forbes, pursuant to 28 U.S.C. §1746, hereby declare, under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge, information, and belief:


1. I am currently employed by Novant Health, Inc. (“Novant Health”) as Vice President, Insights and Analytics. I have held this position since February 2020 when I became employed by Novant Health.
2. In my role, I previously supervised an employee named Matthias Krebs.
3. As Mr. Krebs’ supervisor, I made the decision to eliminate his position and terminate his employment, in consultation with Human Resources/People and Culture. I did not need approval from anyone in Novant Health’s legal department, nor did I consult with anyone in legal when making this decision. I also did not consult with anyone outside of Novant Health when making this decision.
4. I had been consulting with Andrea Hauser in Novant Health’s Human Resources/People and Culture department since June 2021 on the elimination of Mr. Krebs’ position. It was decided to eliminate the Senior Director role Mr. Krebs held in order to accommodate two lower-level business intelligence developer roles. The elimination of Mr. Krebs’ position would result in the termination of his employment.
5. On Friday, August 27, 2021, I reached back out to Ms. Hauser via Microsoft Teams to move forward with the termination. After not hearing back, I reached out to Ms. Hauser again on August 31, 2021 via Teams and corresponded with her. At that point, I was informed by Ms. Hauser that I should contact Letitia Smith to assist with Mr. Krebs’ termination.
6. That same day, August 31, 2021, I reached out to Ms. Smith in Novant Health Human Resources/People and Culture to move forward with the termination of Mr. Krebs’ employment and asked her to start work on the relevant paperwork. The email I sent is attached as **Exhibit 1**.
7. The timing of Mr. Krebs’ termination was to accommodate the budget process and because I was starting vacation the following week for two weeks, and I wanted to move forward with the termination before I left on vacation.
8. I spoke to Mr. Krebs on September 2, 2021, and I informed him that his position had been eliminated. That meeting was set up quickly to ensure that it would occur before I left on vacation. Letitia Smith in HR/People and Culture also joined this call with Mr. Krebs.
9. I do not know David Duvall, nor have I had any discussions related to him, except as set forth in this Paragraph. I was just informed on September 13, 2021 that he has a pending lawsuit against Novant Health, and I was not aware of that before September 13, 2021. I

was also just informed on September 13, 2021 that Mr. Krebs was sent a subpoena relating to Mr. Duvall's lawsuit. I had no knowledge of that before September 13, 2021.

10. At the time of moving forward with Mr. Krebs' termination, I was also not aware of any subpoenas relating to the Duvall lawsuit, whether related to Mr. Krebs or anyone else. I had no discussions with anyone relating in any way to Mr. Duvall or the Duvall lawsuit before moving forward with the termination of Mr. Krebs' employment or making the decision to eliminate his position.
11. Prior to moving forward with Mr. Krebs' termination and informing him of same, I did not have any discussions with Mindy Staley at Novant Health or Benjamin Holland at Ogletree Deakins at any point in time regarding Mr. Krebs or the Duvall lawsuit, and Ms. Staley and Mr. Holland had no input on the decision to end Mr. Krebs' employment.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this ¹⁵ ___ day of September, 2021

DocuSigned by:

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From: Forbes, Denise K <[REDACTED]>
Sent: Tuesday, August 31, 2021 6:38 PM
To: Smith, Letitia A <[REDACTED]>
Subject: Assistance needed this week

Leticia, I was working with Andrea on a plan for termination and she just indicated I should work with you on this. I am not sure what steps I need to take to start this process. Can you assist? I was hoping to get this done prior to me leaving for two weeks on vacation starting Monday. Sorry for the fire drill.

D. Kate Forbes
VP, Insights & Analytics
Novant Health

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Estamos aquí para ayudarle con el cuidado que usted necesita. Visite [Novant Health](#) o [Novant Health UVA](#) para información actualizada.

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